

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Trick Concepts Inc.)	
3253 S Blackrock Rd)	
Golden Valley, AZ 86413)	Case No.:
USA)	
)	JUDGE:
Plaintiff,)	
v.)	
)	
Frazer Industries, LLC)	ORIGINAL COMPLAINT FOR
3710 Chelan Hwy)	PATENT INFRINGEMENT AND
Wenatchee, WA 98801)	JURY DEMAND
USA)	
)	
Or)	
)	
c/o URS Agents, Inc.)	
1780 Barnes Blvd SW)	
Tumwater, WA 98512)	
USA)	
)	
Or)	
)	
P.O. Box 6764)	
Ketchum, ID 83340)	
USA)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff, Trick Concepts Inc. ("Plaintiff"), by and through their undersigned attorneys, in this Complaint against Defendant, Frazer Industries, LLC, d/b/a Munch Machine ("Munch" or "Defendant"), hereby allege as follows:

NATURE OF LAWSUIT

1. This action involves claims for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has

exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

2. This Court also has jurisdiction under 28 U.S.C. § 1332(a)(1) as the matter in controversy exceeds the sum of \$75,000 and is between citizens of different states.

THE PARTIES

3. Plaintiff, Trick Concepts Inc., is a corporation organized under the laws of the state of Arizona, and has its headquarters at 3253 S Blackrock Rd, Golden Valley, AZ 86413.

4. Plaintiff owns all rights, title and interest in, and has standing to sue for infringement of United States Patent No. 11,304,436 (“the ‘436 Patent”) for “Destemming Devices”, issued by the U.S. Patent and Trademark Office on March 30, 2022. A copy of the ‘436 Patent is annexed hereto as Exhibit A.

5. Upon information and belief, Defendant, Frazer Industries, LLC, is a corporation organized under the laws of the state of Washington and has offices at 3710 Chelan Hwy, Wenatchee, WA 98801.

6. Upon information and belief, Defendant transacts business and has, at a minimum, offered to sell and/or sold in this judicial district and throughout the State of Ohio products that infringe claims of the ‘436 Patent.

7. Venue is believed to be proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

DEFENDANT'S ACTS OF PATENT INFRINGEMENT

8. Upon information and belief, Defendant has infringed claims of the '436 Patent through, among other activities, the offer for sale and sale of infringing products. Relevant parts of Defendant's website, located at <http://www.munchmachine.com>, are annexed hereto as Exhibits B and C. Exhibit B is a webpage describing and offering for sale the "Cluster Bucker", an infringing destemming device. Exhibit C is a "cart" showing the ability to purchase the Cluster Bucker and to have the product shipped to the state of Ohio. Both exhibits are dated October 2022.

9. Upon information and belief, at least claims 1-8, 13-16, 18, and 20 of the '436 Patent are infringed by the Defendant's Cluster Bucker destemming device, amongst others.

10. Upon information and belief, Defendant participates in and derives benefit from patent infringement of the '436 Patent.

11. Upon information and belief, Defendant is willfully infringing the '436 Patent.

12. Defendant's infringement has injured and will continue to injure Plaintiff unless and until this Court enters an injunction prohibiting further infringement and enjoining further sale of destemming devices that come within the scope of the '436 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks this Court to enter judgment against the Defendant, and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, together with prejudgment interest from the date that Defendant's infringement of the '436 Patent began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Plaintiff of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '436 Patent; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

Respectfully submitted,

Dated: November 16, 2022

/s/ Richard M. Klein

Richard M. Klein (Ohio Bar No. 0029451)
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**Attorneys for Plaintiff
Trick Concepts Inc.**

JURY DEMAND

Plaintiff, Trick Concepts Inc., demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

Dated: November 15, 2022

/s/ Richard M. Klein

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